

**In the  
Indiana Supreme Court**

**IN THE MATTER OF THE** )  
 ) **Case No. 90S00-0611 -MS-480**  
**APPROVAL OF LOCAL RULES** )  
 )  
**FOR WELLS COUNTY** )

**ORDER APPROVING AMENDED LOCAL RULES**

The judges of the Wells Circuit and Superior Courts request the approval of amended local rules: for the assignment of criminal cases in accordance with Ind. Criminal Rule 2.2 and court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Wells Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR90-CR2.2-01 and LR90-AR15-1, comply with the requirements of Ind. Criminal Rule 2.2 and Ind. Administrative Rule 15 and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Wells County Local Rules, LR90-CR2.2-01 and LR90-AR15-1, set forth as an attachment to this Order, are approved effective January 1, 2007, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website not less than thirty (30) days prior to the effective date.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. David L. Hanselman, Sr., Wells Circuit Court, 102 Market Street West, Bluffton, IN 46714-2050; the Hon. Everett E. Goshorn, Wells Superior Court, 102 Market Street West, Bluffton, IN 46714-2050, and to the Clerk of the Wells Circuit and Superior Courts, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Wells Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 29<sup>th</sup> day of November, 2006.

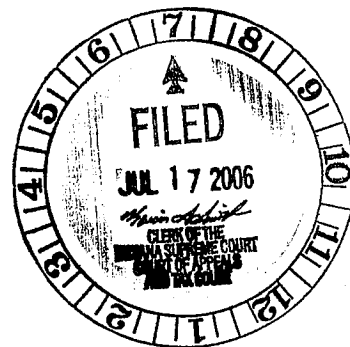
RT Shepard

Randall T. Shepard  
Chief Justice of Indiana

# IN THE INDIANA SUPREME COURT

IN THE MATTER OF  
REQUEST FOR APPROVAL  
OF LOCAL RULES  
FOR COURTS OF RECORD IN  
WELLS COUNTY

Case No.



## REQUEST FOR APPROVAL OF LOCAL RULES

The judges of the courts of record of Wells County have decided to adopt the local rules indicated below and request Supreme Court approval for the following local rule for which Supreme Court approval is required:

1. ☐ Special judge selection rule pursuant to Trial Rule 79(H);
  2. ☒ Reassignment of criminal cases pursuant to Criminal Rule 2.2;
  3. ☒ Court reporter rule pursuant to Administrative Rule 15;
  4. ☐ Caseload allocation rule pursuant to Administrative Rule 1.
- ☒ The local rule(s) indicated above have been published for comment pursuant to the schedule established by T.R. 81(B) for not less than 45 days.

Accordingly, the judges of record of Wells County request approval of the above noted Local Rules.

## LR90-CR2.2-01

Pursuant to Criminal Rule 2.2 of the Indiana Rules of Criminal Procedure, the Wells Circuit and Superior Courts do hereby adopt the following Joint Local Rule; repealing any local rules heretofore promulgated which are in conflict.

### (A) CASE ASSIGNMENT

Subject to the provisions of Ind. Code § 33-29-1-9 permitting the transfer of cases between the courts, all cases wherein the most serious charge is a Class D Felony or greater shall be assigned to the Wells Circuit Court. All misdemeanor criminal cases shall be assigned to the Wells Superior Court; provided, however, that all Class D Felony Driving While Intoxicated or Operating With a Blood Alcohol Content of .08% or greater and all Class D or C Felony Habitual Traffic Violator cases shall be assigned to the Wells Superior Court.

### (B) REFILEING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.

### (C) REASSIGNMENT

Where a change of judge is granted pursuant to Ind. Crim. Rule 12(B) or an order of disqualification or recusal is entered, the case shall be reassigned in the court where pending in seriatim order to a senior judge assigned to the Court or to one of the following judge from a contiguous county:

- The presiding judge of Wells Circuit Court (for cases originating in Wells Superior Court)
- The presiding judge of Wells Superior Court (for cases originating in Wells Circuit Court)
- The presiding judge of Adams Circuit Court
- The presiding judge of Adams Superior Court
- The presiding judge of Jay Circuit Court
- The presiding judge of Jay Superior Court
- The Presiding judge of Blackford Circuit Court
- The presiding judge of Blackford Superior Court
- The presiding judge of Grant Circuit Court
- The presiding judge of Grant Superior Court No. 1
- The presiding judge of Grant Superior Court No. 2
- The presiding judge of Grant Superior Court No. 3
- The presiding judge of Huntington Circuit Court
- The presiding judge of Huntington Superior Court
- The presiding judge of Allen Circuit Court
- The presiding judge of Allen Superior Court No.1
- The presiding judge of Allen Superior Court No. 2
- The presiding judge of Allen Superior Court No. 3
- The presiding judge of Allen Superior Court No. 4
- The presiding judge of Allen Superior Court No. 5
- The presiding judge of Allen Superior Court No. 6
- The presiding judge of Allen Superior Court No. 7

- The presiding judge of Allen Superior Court No. 8
- The presiding judge of Allen Superior Court No. 9

~~WELLS CIRCUIT AND SUPERIOR COURTS~~  
~~JOINT LOCAL COURT RULE #1998-1~~  
**LR90-AR15-1**

Pursuant to Rule 15 of the Administrative Rules of the Indiana Supreme Court, the Wells Circuit and Superior Courts do hereby adopt the following joint local rule:

A copy of this rule shall be certified to the Indiana Supreme Court and Court of Appeals. Copies of this rule shall be located in the Clerk's Office, the office of each court and on each court bench. A copy of this rule shall also be filed with the Division of State Court Administration.

**Section One. Definitions.** The following definitions shall apply under this rule:

- (1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
- (9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; e.g. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Wells County.
- (11) County indigent transcript means a transcript that is paid for from county funds and is for use on behalf of a litigant who has been declared indigent by a court.
- (12) State indigent transcript means a transcript that is paid for from state funds and is for use on behalf of a litigant who has been declared indigent by a court.

(13) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

## **Section Two. Salaries and Per Page Fees.**

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours and overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Three Dollars and fifty cents (~~\$3.00~~ 3.50); the maximum per page fee a court reporter may charge for a copy of a county indigent transcript shall be Twenty-five Cents (\$0.25); the court reporter shall submit a claim directed to the county for the preparation or copying of any county indigent transcripts.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be Three Dollars and fifty cents (~~\$3.00~~ 3.50); the maximum per page fee a court reporter may charge for a copy of a state indigent transcript shall be One Dollar (\$1.00).

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Three Dollars and fifty cents (~~\$3.00~~ 3.50); the maximum per page fee a court reporter may charge for a copy of a private transcript shall be One Dollar (\$1.00).

(5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

## **Section Three. Private Practice.**

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- (a) The reasonable market rate for the use of equipment, work space and supplies;
- (b) The method by which records are to be kept for the use of equipment, work space and supplies; and
- (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

(3) A court reporter shall reimburse the county for the use of equipment, work space and supplies for the preparation of all private transcripts.